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OGC HAS REVIEWED.

30 April 1954

MEMORANDUM FOR: The Record

SUBJECT : Dual Compensation - Retired Reservists

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1. [REDACTED] asked me if retired reservists are subject to the Dual Compensation laws, in view of Section 246 of the Armed Forces Reserve Act of 1952, which provides that reservists not on active duty shall not be considered as officers or employees of the United States by reason of pay or allowances which they receive as reservists.

2. Commander Nealey of the Pay and Allowances Branch, JAG, Navy, informs me that the Comptroller General has ruled that retired reservists are subject to Dual Compensation laws. The Navy follows his ruling. However, there is a case being tried in the Court of Claims on this point (The Tanner Case, filed September 24, 1953; Ansell & Ansell, Attorneys for the reservist).

3. The above information was given to [REDACTED]

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[REDACTED]
Assistant General Counsel

OGC/RGH:blr

Distribution:

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